

Alternative section 36F-14.1 (Fourth Draft, DN 14-2, Fiduciary Access to Digital Assets, February 3, 2016

"§ 36F-14.1. Disclosure of digital assets to court appointed receiver.

(a) After a hearing, the superior court may grant a receiver *appointed for an absentee* access to the *absentee's* digital assets.

(b) Unless otherwise ordered by the superior court or directed by the user, a custodian shall disclose to a receiver the catalogue of electronic communications sent or received by *an absentee* and any digital assets, other than the contents of electronic communications, in which *the absentee* has a right or interest if the receiver gives the custodian all of the following:

(1) A written request for disclosure in physical or electronic form.

(2) A certified copy of the court order that gives the receiver authority over the *absentee's* digital assets.

(3) If requested by the custodian, any of the following:

a. A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the *absentee's* account.

b. Evidence linking the account to *the absentee*.

(c) A receiver with general authority to manage the assets of *an absentee* may request a custodian of the *absentee's* digital assets to suspend or terminate an account of *the absentee* for good cause. A request made under this [sub?]section must be accompanied by a certified copy of the court order giving the receiver authority over *the absentee's* property.

(d) As used in this section, "absentee" means one of the following:

(1) A military absentee under Chapter 28B of the General Statutes.

(2) An absentee under Chapter 28C of the General Statutes.